

## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 8 COPY MAILED

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OFFICE OF PETITIONS

In re Application of

Michael Overdick et al

DECISION GRANTING

Application No. 10/067,427

PETITION

Filed: February 5, 2002

Attorney Docket No. DE 010033

This is a decision on the paper styled "PETITION TO CORRECT FILING RECEIPT" filed July 16, 2002, which is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of February 5, 2002, rather than the presently accorded filing date of February 4, 2002.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on February 5, 2002. In support, applicants provided, <u>inter alia</u>, a copy of the Express Mail label, receipt no. EV031697502S, showing a Date-In of February 5, 2002. The same Express Mail receipt number appears on the copy of the original transmittal letter found in the present application. Applicants request that the application be accorded a filing date of February 5, 2002.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on February 5, 2002.

The petition is granted. The \$130.00 petition fee is being credited to counsel's deposit account.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to February 5, 2002.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley Petitions Examiner

Office of Petitions Office of the Deputy Commissioner

for Patent Examination Policy